

# Notice of Allowability

Application No.

10/509,652

Examiner

Ling-Siu Choi

Applicant(s)

FECHTENKOETTER ET AL.

Art Unit

1713

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/02/06.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is in response to the Amendment filed March 2, 2006. Claims 1-9 are now pending.

***Allowable Subject Matter***

2. Claims 1-9 are allowed.
3. The following is an examiner's statement of reasons for allowance:
- The present claims are allowable over the closest references: Oeder et al. (US 4, 406,705).

A thixotropic agent comprising			
0.1-30 wt%	ethylene terpolymer wax	80-99 wt% ethylene	
		0.1-20 wt%	C <sub>3-12</sub> alkenecarboxylic acid (1-99%)
			CH <sub>2</sub> =CH[C(=O)(OR <sup>2</sup> )] (99-1%)
5-70 wt%	first solvent incompatible with the ethylene terpolymer wax		
5-85 wt%	second solvent compatible with the ethylene terpolymer wax and the first solvent		

(summary of claim 1)

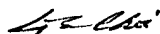
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Oeder et al. disclose a water-emulsifiable hard wax consisting of homogeneous terpolymer of ethylene, 1-8 wt % of C<sub>3-8</sub> olefinically unsaturated carboxylic acid, and 0.5-10 wt % C<sub>1-12</sub> alkyl ester of the unsaturated carboxylic acid (claim 1). Attention is drawn to Example 17, wherein wax granules is emulsified by stirring 20 parts of the terpolymer in 4 parts of a non-ionic emulsifier, 0.72 part of ethylene glycol, and 30 parts of **water**. However, Oeder et al. do not teach or fairly suggest a thixotropic agent comprising at least one ethylene terpolymer wax, a solvent incompatible with the ethylene terpolymer, and a solvent compatible with the ethylene terpolymer.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reach on 571-272-1114.



**LING-SUI CHOI**  
**PRIMARY EXAMINER**

March 25, 2006